

CHAPTER 7-03.2-05 MANUFACTURING FARM REGULATIONS

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7-03.2-05-01. Herd health. Milk offered for sale must be obtained from healthy cows.

History: Effective October 1, 2009.

General Authority: NDCC 4-30-55.1

Law Implemented: NDCC 4-30-27, 4-30-40

7-03.2-05-02. Quality standards.

1. Milk offered for sale must meet United States department of agriculture regulations.
2. The commissioner will place a producer's raw milk under warning when:
 - a. Two of the last four bacteria counts exceed 500,000 cells/ml. No sooner than three days, nor more than twenty-one days, after the commissioner issues the warning, another milk sample must be taken and tested. If the result is more than 500,000 cells/ml, the producer's milk must be excluded from the market. To regain access to the market the farm must pass an inspection by the commissioner, during which the bulk milk tank must be empty, and the farm's milk must be sampled and tested under and must meet conditions set by the commissioner. If the result of this test is 500,000 cells/ml or less, a temporary permit will be issued. If a temporary permit is issued, three milk samples must be taken within twenty-one days after the permit is issued. No more than two samples may be taken within any seven-day period. If the bacteria count of all three samples is 500,000 cells/ml or less, the producer will again have full status for manufacturing grade milk.
 - b. Two out of the last four monthly somatic cell counts exceed 750,000 cells/ml. No sooner than three days, nor more than twenty-one days, after the commissioner issues the warning

another milk sample must be taken and tested. If the result is more than 750,000 cells/ml, the producer's milk must be excluded from the market. To regain access to the market the farm's milk must be sampled and tested and must meet conditions set by the commissioner. If the result of this test is 750,000 cells/ml or less, a temporary permit will be issued. If a temporary permit is issued, three milk samples must be taken within twenty-one days after the permit is issued. No more than two samples may be taken within any seven-day period. If the somatic count of all three samples is 750,000 cells/ml or less, the producer will again have full status for manufacturing grade milk.

- c. The sediment content exceeds regulations set by United States department of agriculture. No sooner than three days, nor more than twenty-one days, after the commissioner issues the warning another milk sample must be taken and tested. If the result shows that the sediment content does not exceed regulations set by the United States department of agriculture, the warning will be withdrawn. If the result shows that the sediment content exceeds regulations set by the United States department of agriculture, the milk must be excluded from the market. To regain access to the market the producer's farm must pass an inspection by the commissioner and the farm's milk must be sampled and tested under conditions set by the commissioner and the result must show that the milk satisfies standards set in the pasteurized milk ordinance and regulations set by the United States department of agriculture.
- 3. A farm license will be suspended if the farm scores below eighty on three consecutive farm inspections. The commissioner will reinstate a license when conditions leading to the suspension have been corrected by evidence of either test results or a satisfactory farm inspection.
- 4. Milk offered for sale must be tested monthly to determine sediment content. The sediment standard must not exceed fifty-hundredths milligrams. All sediment tests must be by the mixed sample method, unless otherwise approved by the commissioner.
- 5. The volume of milk in the bulk tank after the first milking must be sufficient to ensure adequate agitation of the milk. Failure to produce adequate volumes on the first milking may result in suspension of a farm's license to sell raw milk.

History: Effective October 1, 2009.

General Authority: NDCC 4-30-55.1

Law Implemented: NDCC 4-30-27, 4-30-31

7-03.2-05-03. Water supply.

1. The farm's water supply must be properly located, protected, and operated and must be an ample supply and safe for cleaning utensils and equipment. Rural farm water supplies approved by the state department of health are acceptable. Wells constructed in compliance with state board of water well contractors and tested every three years by an approved laboratory and found to be satisfactory are acceptable. Other water supplies approved by the commissioner and tested annually and found to be satisfactory are acceptable. All water sources must be tested following repairs or other disruptions to the water system and must be found satisfactory. All new water supplies to dairy farms must comply with either the state department of health requirements for rural water or the state board of water well contractors requirements for well construction.
2. Handwashing facilities with soap, individual sanitary towels, and hot and cold water under pressure must be provided.

History: Effective October 1, 2009.

General Authority: NDCC 4-30-55.1

Law Implemented: NDCC 4-30-27

7-03.2-05-04. Milk truck approach - Hoseport slab - Port opening. The milk truck approach to the milk loading area must prevent excess mud and allow easy access to the milkroom. Farm animals must not have free access to the milk loading area. The hoseport slab and milk loading area must be kept clean. The hoseport slab must be constructed of concrete or other impervious material and centered under the port opening through which milk is transferred from the bulk tank to the milk truck. New hoseport slabs must be at a minimum six feet by six feet [1.83 meters by 1.83 meters]. The port opening must be closed when not in use.

History: Effective October 1, 2009.

General Authority: NDCC 4-30-55.1

Law Implemented: NDCC 4-30-27

7-03.2-05-05. Waste. All toilet wastes on the farm and all milkhouse and milkroom wastes must be disposed of in a manner that will not pollute the soil surface, contaminate any water supply, or be exposed to insects.

History: Effective October 1, 2009.

General Authority: NDCC 4-30-55.1

Law Implemented: NDCC 4-30-27

7-03.2-05-06. Federal requirements. Farms selling manufacturing grade milk must comply with United States department of agriculture rules governing such facilities.

History: Effective October 1, 2009.
General Authority: NDCC 4-30-55.1
Law Implemented: NDCC 4-30-27

7-03.2-05-07. Pesticides and medicines. Only pesticides approved for use in the milkroom with an environmental protection agency number may be stored in the milkroom and when used must be used in accordance with label instructions. Automatic pesticide dispensers are allowed if properly installed and used with approved pesticides. Antibiotics and other medicines may be stored in the milkroom if stored in a manner that ensures that neither the milk supply nor milk contact equipment is contaminated.

History: Effective October 1, 2009.
General Authority: NDCC 4-30-55.1
Law Implemented: NDCC 4-30-27

7-03.2-05-08. Bulk milk - Tank - Conversion table - Temperature. The bulk milk tank must be equipped with an approved milk measuring device. A conversion table to determine pounds [kilograms] must be in the milkroom. Milk above forty-five degrees Fahrenheit [7.22 degrees Celsius] must not be offered for sale or transported off the farm.

History: Effective October 1, 2009.
General Authority: NDCC 4-30-55.1
Law Implemented: NDCC 4-30-27

7-03.2-05-09. Premises cleanliness. The farm must be kept clean. Manure must be removed daily from the milking parlor or stored in a way that prevents access by cows. Stacked or piled manure and manure packs in housing facilities must be spread prior to fly season each year. The yard or loafing area must be of ample size to prevent overcrowding, must be drained to prevent standing water pools, and must be kept clean.

History: Effective October 1, 2009.
General Authority: NDCC 4-30-55.1
Law Implemented: NDCC 4-30-27

7-03.2-05-10. Milking procedures. All milking procedures must comply with United States department of agriculture regulations.

History: Effective October 1, 2009.
General Authority: NDCC 4-30-55.1
Law Implemented: NDCC 4-30-27

7-03.2-05-11. Farm inspection procedures and enforcement.

1. Farms under warning for cleaning violations, major drug violations, or cooling equipment problems will be inspected within twenty-one days.
2. Items for which the commissioner has established a compliance deadline are exempted from further action until the deadline has expired.

History: Effective October 1, 2009.

General Authority: NDCC 4-30-55.1

Law Implemented: NDCC 4-30-27, 4-30-28